IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 302 OF 2005

Durgaram Anant Majgaonkar
(since deceased by his LRs.)
Smt.Vibhavari Durgaram Majgaonkar & anr. ... Appellants.
Versus.
Shaikh Ismail Shaikh Chand & ors. ... Respondents.

Shri B.G.Tangsali for the Appellants.

Shri G.S.Sabnis for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 27th April, 2005.

P.C.:

1. Heard the learned Counsel for the parties. The Appellants raised objection under Order XXI Rule 97 of the Code of Civil Procedure, 1908, in execution of the decree for possession in respect of the suit house. The case of the Appellant was adjudicated by the executing Court. The Executing Court after considering the oral and documentary evidence on record held that the Appellants have failed to establish that they were in possession of the suit house. The finding of fact recorded by the trial Court has been confirmed in appeal after considering oral and documentary evidence on record. There are concurrent findings recorded by the Courts below that the Appellants have failed to prove possession over the suit house. No substantial question of law arises. The Second Appeal is dismissed with no order as to costs.

Judge.